

Message Text

CONFIDENTIAL

PAGE 01 SOFIA 00140 01 OF 02 211037Z

16

ACTION EUR-12

INFO OCT-01 ISO-00 CU-02 AGR-05 EB-07 STR-04 CIAE-00

DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01

PRS-01 SP-02 SS-15 TRSE-00 ACDA-05 SCA-01 OMB-01

SAJ-01 SAM-01 OES-03 NSF-01 /084 W

----- 071923

R 210757Z JAN 76

FM AMEMBASSY SOFIA

TO SECSTATE WASHDC 715

INFO USIA WASHDC

AMEMBASSY BUDAPEST

AMEMBASSY PRAGUE

AMEMBASSY VIENNA

C O N F I D E N T I A L SECTION 1 OF 2 SOFIA 0140

VIENNA FOR USIS (PASS COFMAN)

E.O. 11652: GDS

TAGS: OEXC, PFOR, SCUL, BU

SUBJECT: CULTURAL-SCIENTIFIC AGREEMENT: INITIAL MEETING WITH GOB

REF: A) SOFIA 44; B) SOFIA 0130; C) SOFIA 0138

1. SUMMARY: "EXPLORATORY" DISCUSSION WAS HELD JAN 19 WITH CHAVDAR DAMYANOV ON US AND GOB CULTURAL-SCIENTIFIC AGREEMENT DRAFTS PRIOR TO ACTUAL NEGOTIATIONS. THOUGH WE REMAIN UNCERTAIN OF DEGREE OF AUTHORITATIVENESS WITH WHICH DAMYANOV SPEAKS, THIS PRELIMINARY RECONNAISSANCE APPEARED TO INDICATE CONSIDERABLE BULGARIAN FLEXIBILITY ON ALL POINTS EXCEPT JOINT COMMISSION AND (POSSIBLY) FIVE YEAR TERM FOR AGREEMENT. UNLESS INSTRUCTED OTHERWISE BY FEB 1, INTEND TO NEGOTIATE ALONG LINES SET FORTH THIS MESSAGE ON AD REFERENDUM BASIS. END SUMMARY.

2. AMBASSADOR AND DCM MET JAN 19 WITH CHAVDAR DAMYANOV, WHO CONFIRMED HE WILL BE GOB NEGOTIATOR, FOR PRELIMINARY DISCUSSION
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SOFIA 00140 01 OF 02 211037Z

AND CLARIFICATION OF CERTAIN POINTS. HIS ANSWERS TO OUR

QUESTIONS APPEARED TO INDICATE CONSIDERABLE FLEXIBILITY WITH RESPECT TO LANGUAGE (INDEED, AT ONE POINT DAMYANOV SAID US DRAFT "FULLY ACCEPTABLE" ALTHOUGH LATER HE STATED BULGARIANS "COULD NOT SEE HOW THEY COULD IMPLEMENT" AN AGREEMENT THAT DOES NOT PROVIDE FOR JOINT COMMISSION AND EXPRESSED STRONG PREFERENCE FOR FIVE-YEAR TERM). DEGREE OF AUTHORITATIVENESS WITH WHICH DAMYANOV SPEAKS REMAINS TO BE DEMONSTRATED. FOLLOWING CLARIFICATIONS RESULTED FROM MEETING:

A. ORGANIZATION OF TOPICS. WE POINTED OUT THAT WAY OUR SEPARATE BUREAUCRACIES ARE STRUCTURED HAS LED US TO ORGANIZE THE DRAFT AGREEMENTS IN DIFFERENT WAYS. WE THUS TREAT CULTURAL AND EDUCATIONAL EXCHANGE IN ONE ARTICLE AND SCIENTIFIC EXCHANGE IN ANOTHER. THE BULGARIANS TREAT SCIENTIFIC AND EDUCATIONAL EXCHANGE TOGETHER, AND CULTURAL EXCHANGE SEPARATELY. WE ASKED IF BULGARIANS WOULD FIND DIFFICULTY IF DURING ACTUAL NEGOTIATIONS WE SUGGESTED TREATING SCIENTIFIC, CULTURAL, AND EDUCATIONAL EXCHANGE IN THREE SEPARATE ARTICLES. DAMYANOV THOUGHT THIS WOULD CREATE NO DIFFICULTY.

B. INCLUSIVITY VS EXCLUSIVITY. WE POINTED OUT THAT IN SEVERAL INSTANCES LANGUAGE OF THE AMERICAN DRAFT IS MORE DETAILED OR MORE INCLUSIVE THAN PARALLEL ARTICLE IN BULGARIAN DRAFT. FOR EXAMPLE, UNDER EDUCATIONAL EXCHANGE BULGARIAN DRAFT (IN ARTICLE 2, SUBPARA 3) MENTIONS "SCHOLARSHIPS FOR STUDENTS, EXCHANGE OF RESEARCH WORKERS AND SPECIALISTS FOR OBTAINING KNOWLEDGE, FOR SURVEY AND SPECIALIZATION." AMERICAN DRAFT (ARTICLE I, PARA 1A) LISTS "STUDENTS, INSTRUCTORS, LECTURERS, SCHOLARS, RESEARCHERS, PROFESSORS, EDUCATION OFFICIALS AND SPECIALISTS". WHEN WE SUGGESTED THAT PERHAPS INTENT BULGARIAN LIST IS ILLUSTRATIVE, NOT EXCLUSIVE, DAMYANOV SAID THIS IS SO AND A LONGER LIST NEED CREATE NO DIFFICULTY.

C. AGREEING ON RESEARCH PROJECTS. WE INQUIRED ABOUT LANGUAGE IN ARTICLE 2, SUBPARA 4 OF BULGARIAN DRAFT, "SCIENTIFIC RESEARCH ON SUBJECTS OF MUTUAL INTEREST OR CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SOFIA 00140 01 OF 02 211037Z

WHEN REQUIRED BY ONE OF THE TWO PARTIES," POINTING OUT THIS MIGHT IMPLY ONE PARTY COULD REQUIRE THE OTHER TO COOPERATE ON SPECIFIC SUBJECTS. FROM DAMYANOV'S REPLY, WE GATHER WHAT IS MEANT IS RESEARCH ON TOPICS SUGGESTED BY ONE OF THE PARTIES BUT AGREED TO BY BOTH AS BEING OF MUTUAL INTEREST.

D. PATENT INFORMATION. WE POINTED OUT LANGUAGE

IN ARTICLE 2, SUBPARA 6 ON PATENT INFORMATION PRESENTED PROBLEMS BECAUSE OF THE WAY PATENTS ARE HANDLED IN OUR SYSTEM (IN BULGARIA, PATENTS ARE WITHIN JURISDICTION OF COMMITTEE ON SCIENCE, TECHNICAL PROGRESS AND HIGHER EDUCATION). AGAIN, DAMYANOV SUGGESTED THIS NEED NOT INVOLVE DIFFICULTY, AND HE WOULD CONVEY OUR EXPLANATION TO CSTPHE. HE ADDED, HOWEVER, THAT CSTPHE IS VERY INTERESTED IN DEVELOPING SOME MECHANISM FOR MAKING PATENT INFORMATION AVAILABLE.

E. NAMED ORGANIZATIONS. WE NOTED WITH APPRECIATION THAT BULGARIAN SIDE HAD INCORPORATED INTO THEIR DRAFT (AS ARTICLE IV), OUR ARTICLE III ON COOPERATION BETWEEN NSF AND CSTPHE.

F. COMPLIANCE WITH LOCAL LAW. WE POINTED OUT BULGARIAN DRAFT MENTIONS COMPLIANCE WITH LOCAL LAW IN SPECIFIC CONTEXT OF DISTRIBUTION OF CULTURAL, INFORMATIONAL AND SCIENTIFIC MATERIALS (ARTICLE V, SUBPARA B1 AND 2), WHEREAS IN US DRAFT IT IS SEPARATE ARTICLE (ARTICLE VI) REFERRING TO ENTIRE AGREEMENT. AFTER DISCUSSION DAMYANOV THOUGHT OUR VERSION PREFERABLE.

G. ENTERING INTO FORCE. WE NOTED OUR VERSION HAS AGREEMENT ENTERING INTO FORCE WHEN SIGNED, BULGARIANS FOLLOWING "APPROVAL BY COMPETENT STATE ORGANS." DAMYANOV CONFIRMED THIS IS SO BECAUSE UNDER THEIR SYSTEM AGREEMENT MUST BE PRESENTED FOR REVIEW BY NATIONAL ASSEMBLY.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 SOFIA 00140 02 OF 02 211105Z

11
ACTION EUR-12

INFO OCT-01 ISO-00 CU-02 AGR-05 EB-07 STR-04 CIAE-00

DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01

PRS-01 SP-02 SS-15 TRSE-00 ACDA-05 SCA-01 OMB-01

SAJ-01 SAM-01 OES-03 NSF-01 /084 W
----- 072422

R 210757Z JAN 76
FM AMEMBASSY SOFIA

TO SECSTATE WDCSHDC 716
INFO USIA WASHDC
AMEMBASSY BUDAPEST
AMEMBASSY PRAGUE
AMEMBASSY VIENNA

C O N F I D E N T I A L SECTION 2 OF 2 SOFIA 0140

H. METHODOLOGY. WE CONCLUDED PRESENTATION BY NOTING MOST IMPORTANT DIFFERENCE BETWEEN DRAFTS IS IN METHODOLOGY: EIYLDRAFT SPEAKS IN TERMS OF CONTACTS BETWEEN INDIVIDUALS AS WELL AS INSTITUTIONS; IS NON-EXCLUSIVE (ACTIVITIES MENTIONED ARE DESCRIBED AS ILLUSTRATIVE); AND USUALLY IS WORDED IN TERMS OF END RESULTS (FILM SHOWINGS, EXHIBITS, DISSEMINATION OF MATERIALS, ETC.) BULGARIAN DRAFT OMITTS CONTACT BETWEEN INDIVIDUALS; IS LESS CLEAR AS TO WHETHER ACTIVITIES MENTIONED ARE ILLUSTRATIVE (ALTHOUGH BULGARIAN ARTICLE 7 "DOES NOT EXCLUDE ENCOURAGEMENT OF OTHER UNDERTAKINGS"); AND USUALLY IS COUCHED IN TERMS OF MEANS TO BE EMPLOYED (CONTACTS, ARRANGEMENTS, ETC.) FOR ENDS WHICH ARE NOT SPECIFIED.

I. JOINT COMMISSION AND TERM OF AGREEMENT. IN GENERAL REPLY (APPARENTLY PREPARED IN ADVANCE OF MEETING), DAMYANOV EXPRESSED BOTH GENERAL SATISFACTION WITH US DRAFT AND EXPECTATION THAT MOST DIFFERENCES WOULD BE EASILY BRIDGEABLE. WITHOUT SAYING SO EXPLICITLY, HE IMPLIED THAT IN MANY IF NOT MOST CASES, BULGARIANS WOULD CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SOFIA 00140 02 OF 02 211105Z

BE PREPARED TO ACCEPT OUR LANGUAGE. HOWEVER HE EMPHASIZED MOST STRONGLY THAT GOB SEES SOME FORM OF JOINT COMMISSION AS ESSENTIAL. HE ALSO EXPRESSED STRONG PREFERENCE FOR FIVE-YEAR TERM. REASON HE GAVE WHY JOINT COMMISSION NECESSARY WAS THAT IT WOULD APPROVE PROGRAM DOCUMENT. WHEN WE SUGGESTED THAT FUNCTION ENVISAGED FOR JOINT COMMISSION COULD BE FULFILLED BY LESS FORMALLY CONSTITUTED BODY AS PROVIDED BY OUR ARTICLE V HE AT FIRST DEMURRED BUT THEN SEEMED TO AGREE THAT PERHAPS THE PROBLEM WAS ONE OF SEMANTICS RATHER THAN SUBSTANCE; ALTHOUGH HE CAME BACK AGAIN ARGUING THAT FINANCIAL ARRANGEMENTS FOR IMPLEMENTATION OF PROGRAM DOCUMENT WOULD REQUIRE AT LEAST SOMETHING THAT BULGARIANS COULD TERM A JOINT COMMISSION. HE EXPRESSED HOPE WE WOULD BE ABLE TO NEGOTIATE SUCH DOCUMENT FOR TWO OR THREE YEAR PERIOD SHORTLY AFTER CONCLUDING AGREEMENT ITSELF.

3. WE PROPOSE TO NEGOTIATE ON AN AD REFERENDUM BASIS TO SEEK THE DESIDERATA LISTED BELOW. WE

BELIEVE FIRST NEGOTIATING SESSION SHOULD TAKE PLACE
SHORTLY
AFTER END OF THE MONTH AND THEREFORE REQUEST
ANY COMMENTS OR AMENDMENTS AS EARLY AS POSSIBLE.

A. TO SEPARATE THE BASIC SUBJECT MATTER -- CULTURAL, EDUCATIONAL, AND SCIENTIFIC EXCHANGES -- INTO SEPARATE PARAGRAPHS. WE WOULD APPRECIATE NEW LANGUAGE (ADAPTED FROM THE OLD) FOR THIS PURPOSE.

B. US DRAFT INCLUDES ARTICLE (III) ON PROPOSED CSTPHE/NSF EXCHANGE PROGRAM. BULGARIAN DRAFT INCLUDES IDENTICAL ARTICLE (IV) AND HAS SEPARATE ARTICLE (III) ON PRESENT CSTPHE/IREX PROGRAM. BELIEVE FINAL VERSION SHOULD INCLUDE BOTH ARTICLES, PLUS NEW ARTICLE MENTIONING PRESENT BAN/NAS PROGRAM. WOULD BE HELPFUL TO HAVE LANGUAGE FOR THIS.

C. WE WILL INSIST UPON NON-EXCLUSIVE DESCRIPTIONS OF ACTIVITIES THROUGHOUT, WILL INSIST ON OUR POSITIVELY PHRASED ARTICLE VII (VICE BULGARIAN NEGATIVELY PHRASED)
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SOFIA 00140 02 OF 02 211105Z

EQUIVALENT), AND WILL INSIST UPON SPECIFIC MENTION OF CONTACT BETWEEN INDIVIDUALS AS WELL AS INSTITUTIONS, AS PRESENTLY IN US DRAFT WHICH IS ALSO IN KEEPING WITH FINAL ACT OF HELSINKI.

D. WE WILL URGE THAT AGREEMENT FOLLOW US WORDING ON OBJECT AND RESULT OF CONTACTS, RATHER THAN REFER ONLY TO CONTACTS THEMSELVES.

E. WE WILL STRIVE TO ELIMINATE CONCEPT OF STRICT MUTUALITY IN THOSE SECTIONS OF BULGARIAN DRAFT (E.G. V-A-2) WHERE IT EXISTS, POINTING OUT THAT UNDER OUR SYSTEM AN IMPRESSARIO, FOR INSTANCE, CANNOT OPERATE UNDER RECIPROCITY REQUIREMENT.

F. WE WILL PRESS FOR INCLUSION OF LANGUAGE ALONG LINES OF OUR I-2 WHICH STRESSES "ACCESS" (MENTIONED IN SEVERAL PLACES IN THE HELSINKI FINAL ACT), A WORD NOT FOUND IN THE BULGARIAN DRAFT.

G. THROUGHOUT, WE WILL PRESS FOR BROADEST, MOST PERMISSIVE LANGUAGE.

H. WHILE CONTINUING TO RESIST ESTABLISHMENT OF FORMAL JOINT COMMISSION, WE WILL SUGGEST FOR THE NEGOTIATING RECORD THAT US WOULD HAVE NO OBJECTION TO BULGARIANS REFERRING TO THEIR DESIGNATED REPRESENTATIVES

AS A "COMMISSION".

I. IF NECESSARY TO MOVE BULGARIANS AWAY FROM
FORMAL COMMISSION, WOULD PROPOSE MEETING THEM PART OF
THE WAY ON THEIR DESIRE FOR A FIVE-YEAR TERM FOR THE
AGREEMENT, RENEWABLE OR TERMINABLE AS PER THE US
DRAFT.
HERZ

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SCIENTIFIC COOPERATION, CULTURAL EXCHANGES
Control Number: n/a
Copy: SINGLE
Draft Date: 21 JAN 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ullricre
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976SOFIA00140
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760022-0757
From: SOFIA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760135/aaaabejy.tel
Line Count: 285
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 SOFIA 44, 76 SOFIA 130, 76 SOFIA 138
Review Action: RELEASED, APPROVED
Review Authority: ullricre
Review Comment: n/a
Review Content Flags:
Review Date: 25 MAR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <25 MAR 2004 by CollinP0>; APPROVED <02 AUG 2004 by ullricre>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CULTURAL-SCIENTIFIC AGREEMENT: INITIAL MEETING WITH GOB
TAGS: OEXC, PFOR, SCUL, BU
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006